

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

GARY IVAN TERRY,	)	
	)	
Petitioner,	)	
	)	1:24CV530
	)	1:03CR299-1
v.	)	1:14MC42
	)	
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	

**ORDER**

This matter is before this court for review of the Recommendation filed on July 1, 2024, by the Magistrate Judge in accordance with 28 U.S.C. § 636(b). (Doc. 238.)<sup>1</sup> On July 8, 2024, Petitioner filed a document entitled "Defendant's Motion to Strike the Recommendation of United States Magistrate Judge Joe L. Webster for Lack of Subject-Matter Jurisdiction and for Due Process Violations" (Doc. 240), a document entitled "Defendant's Motion to Hold this Case in Abeyance" (Doc. 241), and two additional untimely "replies" to briefings previously filed by the Government. (Docs. 242 and 243.)

All of these documents continue to press Petitioner's meritless claims. None warrants any form of relief. To the extent any is intended as an objection to the Recommendation, the court has appropriately reviewed the portions of the Magistrate Judge's

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<sup>1</sup> All docket references are to case number 1:03CR299-1.

report to which objection was made and has made a de novo determination which is in accord with the Magistrate Judge's report. The court will therefore adopt the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED that the Magistrate Judge's Recommendation (Doc. 238) is ADOPTED.

IT IS FURTHER ORDERED that Petitioner's motion to vacate (Doc. 230) is DISMISSED or in the alternative DENIED and that Petitioner's motion for a hearing (Doc. 234) is DENIED, that judgment be entered dismissing the action, and that, there being neither a substantial issue for appeal concerning the denial of a constitutional right affecting the conviction nor a debatable procedural ruling, a certificate of appealability not issue.

IT IS FURTHER ORDERED that Petitioner's motions entitled "Defendant's Motion to Strike the Recommendation of United States Magistrate Judge Joe L. Webster for Lack of Subject-Matter Jurisdiction and for Due Process Violations" (Doc. 240) and "Defendant's Motion to Hold this Case in Abeyance" (Doc. 241) are DENIED.

A Judgment dismissing this action will be entered contemporaneously with this Order.

/s/ Thomas D. Schroeder  
United States District Judge

August 5, 2024